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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/726,852	12/02/2003	Takanori Yano	6453P018	5584
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8791 7590 09/25/2007
BLAKELY SOKOLOFF TAYLOR & ZAFMAN
1279 OAKMEAD PARKWAY
SUNNYVALE, CA 94085-4040

EXAMINER

GE, YUZHEN

ART UNIT	PAPER NUMBER
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2624

MAIL DATE	DELIVERY MODE
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09/25/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/726,852	Applicant(s) YANO ET AL.	
	Examiner Yuzhen Ge	Art Unit 2624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 25 July 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4, 6, 7, 9, 15 and 17-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6, 7, 9, 15 and 17-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 11/8/04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

Examiner's Remark

Applicant's response to election/restriction requirement, filed on July 25, 2007, has been received and entered into the file. According to the response, Species II (claims 6-7 and 9) is elected without traverse and claims 5, 8, 10-14 and 16 have been canceled. Therefore claims 1-4, 6-7, 9, 15, 17-20 are pending.

DETAILED ACTION***Specification***

1. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Claim Rejections - 35 USC § 101

Claims 18-19 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter as follows. Claims 18-19 define an article of manufacture having one or more recording media embodying functional descriptive material. However, the claims do not define a computer-readable medium or memory and is thus non-statutory for that reason (i.e., "When functional descriptive material is recorded on some computer-readable medium it becomes structurally and functionally interrelated to the medium and will be statutory in most cases since use of technology permits the function of the descriptive material to be realized" – Guidelines Annex IV). That is, the scope of the presently claimed recording media can range from paper on which the program is written, to a program simply contemplated and memorized by a person. The examiner suggests amending the claim to embody the program on "computer-readable medium" or equivalent in order to make the claim statutory. Any amendment to the claim should be commensurate with its corresponding disclosure.

Currently in TC 2600, it is required explicitly to include "computer-readable medium", "encoded" (or "storing", "embodied with a", "encoded with a", "having a stored", "having an

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encoded”), and "computer program" in the claim language to make it explicitly a statutory subject matter.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-3 and 17-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Fukuhara et al (US Patent Pub. No.: US 2001/0028404 A1).

Regarding claim 1, Fukuhara et al teach an image processing apparatus, comprising:

a first converting unit to synthesize first code data including a plurality of code data sets where image data of a plurality of static images are compressed and encoded, and to convert the first code data into second code data which are compressed and encoded to be a single code data sequence where a motion image aligns the static images in chronological order as consecutive frames (abstract, Figs. 1, 7, 9-12, paragraphs [0008], [0011], [0018], [0020], [0057], [0063]-[0064] and [0068]-[0070], the first code data is the image data compressed by jpeg 2000, the second code data is the motion-jpeg 2000 data, inherent from motion-jpeg 2000 that the static images are aligned in chronological order as consecutive frames, see also Fig. 11); and

a second converting unit to convert the second code data into the first code data (abstract, Figs. 1, 7, 9-12, paragraphs [0008], [0011], [0018], [0020], [0057], [0063]-[0064] and [0068]-

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[0069], decoding is the reverse of encoding and converting the second code data into the first code data is part of decoding).

Regarding claim 2, Fukuhara et al teach the image processing apparatus as claimed in claim 1, wherein the first code data are code data compressed and encoded in accordance with a JPEG 2000 algorithm and the second code data are code data compressed and encoded in accordance with a Motion JPEG 2000 (abstract, Figs. 1, 7, 9-12, paragraphs [0008], [0011], [0018], [0020], [0057], [0063]-[0064] and [0068]-[0069]).

Regarding claim 3, Fukuhara et al teach the image processing apparatus as claimed in claim 1, further comprising:

- a decompressing unit to decompress the first and second code data (paragraphs [0002], [0004]-[0005], [0008], [0011], [0018], [0020], [0043], [0048]-[0049], [0057], [0059], [0063]-[0064] and [0068]-[0070]); and

- a displaying unit to display the frames showing image data in chronological order at a display unit after the first and second code data are decompressed (paragraphs [0015]-[0016] [0043], and [0070]).

Claims 17 and 20 are the corresponding apparatus claims of claim 1 with image pick up device. Fukuhara et al teach such an apparatus (paragraphs [0006]-[0008] and [0017]). Thus Fukuhara et al teach claims 17-20 as evidently explained in the above-cited passages.

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Claims 18 and 19 are the corresponding article of manufacture claims of claim 1 with recording media. Fukuhara et al teach such an apparatus (paragraphs [0008] and [0017], also inherent that JPEG 2000 and motion jpeg-2000 are computer implemented method). Thus Fukuhara et al teach claims 18-19 as evidently explained in the above-cited passages.

Claim Rejections - 35 USC § 103

4. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fukuhara et al in view of Takahashi et al (US Patent 6,005,623)

Claim 4, Fukuhara teach the image processing apparatus as claimed in claim 1, further comprising a first accepting unit to accept a request for converting the first code data into the second code data, wherein the first converting unit converts the first code data into the second code data when the first accepting unit accepts the request (Figs. 1, 7, 9-12, paragraphs [0002], [0004]-[0005], [0008], [0011], [0018], [0020], [0043], [0048]-[0049], [0057], [0059], [0063]-[0064] and [0067]-[0070], it is implicit that the converting step is performed according to a request). However they do not explicitly teach the converting request is from a user. Takahashi et al teaches a first accepting unit to accept a request from a user (col. 1, lines 21-25, col. 3, lines 15-18, col. 12, lines 19-17, col. 12, lines 43-54, col. 13, lines 18-60). It is desirable to provide users with different functionalities and flexibilities. Therefore it would have been obvious to one of ordinary skill in the art, at the time of invention, to accept a request from the user so that the conversion from first code data to the second code data is based on user's request and requirement.

5. Claim 6-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fukuhara et al in view of Joshi et al (US Patent 6,785,423).

Regarding claim 6, Fukuhara et al teach the image processing apparatus as claimed in claim 1, wherein the first converting unit selects code data having a predetermined resolution from the first code data, reduces the selected code data (JPEG2000 allows a predetermined resolution be selected, paragraph [0011] and [0013]-[0014]), and converts the reduced first code data into the second code data (Figs. 1, 7, 9-12, paragraphs [0002], [0004]-[0005], [0008], [0011], [0018], [0020], [0043], [0048]-[0049], [0057], [0059], [0063]-[0064] and [0068]-[0070])). However they do not explicitly teach the purpose is to integrate a plurality of the static images into one of the frames. In the same field of endeavor, Joshi et al teach to integrate a plurality of static images into one frame (col. 2, lines 22-31, when the static images are displayed at the same time, they have been integrated into one frame). Joshi et al also teach selecting code data having a predetermined resolution from the first code data, reduces the selected code data (Fig. 2, col. 2, lines 23-25). It is desirable to allow user to locate and select an image of interest from a group of images (col. 2, lines 23-25 of Joshi et al). Therefore it would have been obvious to one of ordinary skill in the art, at the time of invention, to use the method of Joshi et al to integrate a plurality of static images into one frame so that users can select an image of interest.

Regarding claim 7, Fukuhara et al and Joshi et al teach the image processing apparatus as claimed in claim 6. Fukuhara et al further teach wherein the first converting unit converts the

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reduced first code data into the second code data when the second accepting unit accepts the request (Figs. 1, 7, 9-12, paragraphs [0002], [0004]-[0005], [0008], [0011], [0018], [0020], [0043], [0048]-[0049], [0057], [0059], [0063]-[0064] and [0067]-[0070]). Joshi et al further teach a second accepting unit to accept a request for converting the reduced first code data into the second code data where the static images are integrated in one of the frames from a user (Fig. 2, col. 2, lines 23-25, the digital camera taught by Joshi et al is controlled by a user and the display of several thumbnail images are therefore according to the request of the user of the camera, col. 10, lines 34-40 of Joshi et al). It is desirable to allow user to select an image of interest and allow user to have the flexibility viewing a set of images when selecting an image of interest. Therefore it would have been obvious to one of ordinary skill in the art, at the time of invention, to use the method of Joshi et al to accept a request from a user to convert data so that user can select an image of interest from a plurality of images.

6. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fukuhara et al in view of Joshi et al, further in view of McGrath (US Patent 4,115,693).

Regarding claim 9, Fukuhara et al and Joshi et al teach the image processing apparatus as claimed in claim 7. However they do not explicitly teach

the second accepting unit accepts a request of an integration degree from the user; and

the first converting unit determines a number of the static images to form each of the frames based on the integration degree accepted by the second accepting unit.

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In the same field of endeavor, McGrath teaches an accepting unit accepts a request of an integration degree from a user (Fig. 4, col. 4, lines 40-59); and a unit determines a number of the static images to form each of the frames based on the integration degree accepted by the accepting unit (Fig. 4, col. 4, lines 40-59).

It is desirable to let the user visualize the images according to the need of the application and user (col. 1, lines 21-36 of McGrath). Therefore it would have been obvious to one of ordinary skill in the art, at the time of invention, to use the method of McGrath to accept a request of an integration degree from a user and determine a number of static images from form each of the frames based on the integration degree so that an user has control on the visualization of the images.

7. Claims 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fukuhara et al in view of Wakimoto et al (US Patent 6,571,052).

Regarding claim 15, Fukuhara et al teach the image processing apparatus as claimed in claim 1, wherein the second converting unit converts the second code data into the first code data for a specific frame (Figs. 1, 7, 9-12, paragraphs [0002], [0004]-[0005], [0008], [0011], [0018], [0020], [0043], [0048]-[0049], [0057], [0059], [0063]-[0064] and [0067]-[0070], the decoding is the reverse of encoding). However they do not explicitly teach the apparatus further comprising a fourth accepting unit accepting an indication of a specific frame of the image data displayed by a displaying unit from a user, when the fourth accepting unit accepts the indication. In the same field of endeavor, Wakimoto et al teach accepting an indication of a specific frame of the image

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data displayed by a displaying unit from a user, wherein a second converting unit converts a second code data into a first code data for the specific frame when an accepting unit accepts the indication (col. 8, lines 19-30, col. 4, lines 12-16, col. 30, lines 14-24). It is desirable to display the image data depending on user's requirement and be efficient. Therefore it would have been obvious to one of ordinary skill in the art, at the time of invention, to use the method of Wakimoto et al to select a specific frame to display and converts a second code into a first code data once the specific frame is known so that un-necessary expansion will not be performed and the display is according to user's requirement.

Conclusion

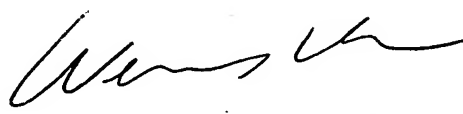
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yuzhen Ge whose telephone number is 571-272 7636. The examiner can normally be reached on 7:30am-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bhavesh Mehta can be reached on 571-272-7453. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Yuzhen Ge
Examiner
Art Unit 2624


8/17/07

WENPENG CHEN
PRIMARY EXAMINER